

Application Serial No. 10/599,807  
Response dated January 7, 2010  
Reply to Office Action dated December 7, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/599,807	Confirmation No.	4892
Applicant	:	Susanne Kessler et al.		
Filed	:	October 10, 2006		
Title	:	GLASS COMPOSITIONS AS AN ANTIMICROBIAL ADDITIVE FOR DENTAL MATERIALS		
TC/A.U.	:	1612		
Examiner	:	Snigdha Maewall		
Atty. Docket No.:		SAW0033-01		
Customer No.	:	00832		

ELECTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement in the Office Action dated December 7, 2009, Applicants hereby elect, with traverse, the claims of Group III (Claims 7, 11-16, and 19) for prosecution in the instant application.

However, Applicants respectfully submit that independent Claims 8 and 9 should also be included in Group III. In particular, independent Claims 7, 8, and 9 are very similar in scope, each claiming a glass having a relatively high content of  $P_2O_5$  as well as a sum of ingredients in the last line of each of the claims which is  $> 0.001$  percent by weight (Claim 9),  $> 0.01$  percent by weight (Claim 7), or  $> 1$  percent by weight (Claim 8). Applicants submit that independent Claims 7, 8, and 9 can easily be searched and examined together.

Responsive to the Election of Species Requirement in the Office Action dated December 7, 2009, Applicants respectfully submit that same is moot, as the Election

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Requirement appears to be directed solely toward the claims of Group VIII and Group I, which groups have not been elected responsive to the Restriction Requirement.

To the extent that the Examiner determines that an Election of Species is still required, pursuant to Claim 22, Applicants hereby elect Species I, namely, the polymer with ion releasing glasionomer and ion-releasing antimicrobial and, with respect to Claim 3, Applicants hereby elect the species of use corresponding to filling materials.

Applicants reserve the right to pursue the subject matter of the non-elected claims and/or species in one or more divisional applications.

It is believed that the above represents a complete response to the Official Action. In the event Applicants have overlooked the need for an extension of time or payment of fee, Applicants hereby petition therefore and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels LLP.

If any question concerning this application should arise, the Examiner is invited to telephone the undersigned at 260-424-8000.

Respectfully submitted,



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CERTIFICATE UNDER 37 C.F.R. 1.8(B)

I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office to the attention of: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Adam F. Cox, Reg. No. 46,644  
Name of Registered Representative

  
Signature

January 7, 2010  
Date